

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

SHARLANDS TERRACE, LLC, et al.,

Defendants.

3:04-cv-00292-LRH-RAM

(Consolidated with  
3:04-CV-00397-ECR-VPC)

ORDER

Before the court is Defendant/Cross-Defendant James Tibbens and Defendants Blatt Development of Nevada, Inc., Sharlands Terrace, LLC, and Michael Blatt's ("Design/Construction Defendants") Motion to Enlarge Completion Dates (#396<sup>1</sup>). The owners of the subject property ("Owners") have filed an opposition (#389) to which Design/Construction Defendants replied (#400).

On July 21, 2009, this court adopted a Remedial Plan giving Design/Construction Defendants until April 16, 2010, to remedy the public and common use areas at issue, and until July 21, 2010, to remedy the interior of the ground floor units. However, unforeseen circumstances, primarily Defendant Jeff Codega Planning and Design, Inc.'s ("JCP&D") filing of Chapter 7 bankruptcy, have delayed Design/Construction Defendants's commencement of work.

<sup>1</sup>Refers to the court's docket entry number.

1 As a result, on September 29, 2009, Design/Construction Defendants requested from the  
2 United States and the Owners a ninety-day extension of the performance deadlines outlined in the  
3 Remedial Plan. While the United States has agreed to the extension, the Owners have agreed only  
4 to extend the exterior performance deadline by ninety-six days to coincide with the July 21, 2010,  
5 deadline. The Owners oppose the extension of the interior performance deadline.

6 The court has reviewed the parties' arguments and finds that good cause exists to extend the  
7 interior performance deadline by ninety days. The problems arising out of JCP&D's bankruptcy  
8 have been resolved, and Design/Construction Defendants now appear ready to proceed with the  
9 remediation of the interior units.

10 If the parties seek and are unable to agree to any additional extensions, the court will grant  
11 or deny such extensions only after an evidentiary hearing.

12 IT IS THEREFORE ORDERED that Design/Construction Defendants shall complete the  
13 modifications to the interior of the ground floor units of the subject property as set forth in  
14 Section II.A.2., Paragraph 17, of the Remedial Plan and Section 4.0 of Appendix A on or before  
15 October 19, 2010.

16 IT IS SO ORDERED.

17 DATED this 29<sup>th</sup> day of December 2009.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE